



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,588	12/02/2005	Niraj Dhansukhlal Mistry	J2072(2)	2719
201 7590 11/03/2008 UNILEVER PATENT GROUP 800 SYLVAN AVENUE AG West S. Wing ENGLEWOOD CLIFFS, NJ 07632-3100				
EXAMINER				
OGDEN JR, NICHOLUS				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
11/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,588

Applicant(s)

MISTRY, NIRAJ DHANSUKHLAL

Examiner

Necholus Ogden, Jr.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB (1190023).
2. GB '023 discloses clear liquid detergent composition comprising up to 50% by weight of fatty acids unsaturated soap comprising at least one unsaturated fatty acids having from 14-22 carbon atoms and 8-22 carbon atoms; a solvent; and up to 15% of one or more organic agents such as glycerol or polyethylene glycols (page 1, lines 1-30). See examples 1 and 2, page 7, lines 1-27.
3. As this reference teaches all of the instantly required it is considered anticipatory.
4. In the alternative, GB '023 is silent with respect to the percentage of unsaturated fatty acid in said soap component and further it would have been obvious to the skilled artisan to optimize said proportion of fatty acid soap where said unsaturated fatty acid is required.
5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB (2005297).
6. GB '297 disclose a liquid soap composition comprising 12-40% by weight of fatty acid soaps having predominantly saturated fatty acid of C12, 16 and 18 carbon atoms; and 5-20% of glycols such as propylene glycol (page 1, lines 16-30 and example 4).
7. As this reference teaches all of the instantly required it is considered anticipatory.
8. In the alternative, GB '297 is silent with respect to the percentage of unsaturated fatty acid in said soap component and further it would have been obvious to the skilled

artisan to optimize said proportion of fatty acid soap where said unsaturated fatty acid is required.

9. Claims 1-10 rejected under 35 U.S.C. 103(a) as obvious over WO (2006/045390) is withdrawn.

10. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by WO (2006/045390).

11. WO '390 disclose a transparent liquid cleansing composition comprising 10-25% by weight of a C8-C22 fatty acid soap; 2-20% by weight of a humectants such as propylene glycol and sorbitol (page 5, lines 1-15). WO '390 teach that 0.1 to 3% of said fatty acid soap is derived from unsaturated fatty acid soap (page 5) and that said oils which said fatty acid soaps may be derived from include palm kernel oil and castor oil (page 7, lines 1-5). See also examples and claims.

12. As this reference teaches all of the instantly required it is considered anticipatory.

Double Patenting

13. Claims 1-10 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application No. 11/255,378 is withdrawn.

Response to Arguments

14. Applicant's arguments filed 7-31-2008 have been fully considered but they are not persuasive.

15. Applicant argues that the amendments, which call out that the unsaturated fatty acid soaps are derived from castor oil are sufficient to overcome the prior art of record.

16. The examiner contends that the prior art of record, specifically teach with sufficient specificity coconut oil and palm kernel oil. For example, GB '023 or GB '297 teach that coconut acids and palmitic acids used in forming soaps (examples 1-6) and WO '390 specifically teach that castor oil, coconut oil and palm kernel oils are preferred in soap compositions (page 7, lines 4-5 and Tables 1-5).

17. Accordingly, it has been established that the soaps of the prior art continue to encompass the claimed invention and therefore the rejections remain as stated above.

18. Applicant argues that the examples in his specification show unexpected results in Tables 3 and 4.

19. The examiner contends that the Tables in applicant's specification are not commensurate in scope with the claimed invention since the examples are drawn to narrower compositions outside the scope of the broader claims, criticality cannot be established.

20. Applicant's 103 (c) statement only disqualifies the 103 rejection of WO '877. The 102(e) rejection is maintained.

35 U.S.C. 103(c) applies only to prior art usable in an obviousness rejection under 35 U.S.C. 103. Subject matter that qualifies as anticipatory prior art under 35

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden, Jr. whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Necholus Ogden, Jr./

Application/Control Number: 10/559,588

Page 6

Art Unit: 1796

Primary Examiner
Art Unit 1796

10-30-2008